

That, pursuant to the aforesaid resolution, a committee was appointed who visited the office of the said State Treasurer and ascertained from him, and reported to the General Assembly, that no money had been paid to said Theophilus White, as Chief Inspector Shell-Fish Commission, since the passage of the act entitled "An act to provide for the general supervision of the Shell-Fish Industry in the State of North Carolina," ratified the 2d day of March, 1899, and the supplemental act, ratified March 8, 1899, entitled "A supplemental act to an act entitled 'An act to provide for the general supervision of the Shell-Fish Industry of the State of North Carolina,' " ratified March 2, 1899.

But subsequently, to-wit, on or about the 17th day of October, 1900, notwithstanding the passage of the aforesaid resolution of inquiry, and notwithstanding that it was well known to said Supreme Court that the General Assembly had asserted its right, as guaranteed by the Constitution of North Carolina, to control the disbursement of money in the State Treasury, and to forbid the payment of money out of said treasury to said Theophilus White under the decision aforesaid, a majority of the members of the Supreme Court, including said David M. Furches, Associate Justice (now Chief Justice), and said Robert M. Douglas, Associate Justice, did, thereafter, to-wit, on or about the 17th day of October, 1900, at and in the city of Raleigh, in contempt and defiance of said General Assembly and the acts thereof, and in violation of the aforesaid provision of the Constitution in that behalf, knowingly, wilfully and wrongfully direct and cause the aforesaid writs of mandamus to be issued, whereby said David M. Furches, Associate Justice (now Chief Justice), and the said Robert M. Douglas, Associate Justice, then and there did commit and were guilty of a high crime and misdemeanor in office.

Article IV. That on or about the 17th day of October, 1900, at and in the city of Raleigh, the said David M. Fur-